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U.S. COURTS

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CLERK OF DISTRICT COURT  
BOISE, IDAHO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.  
HINKLEY, JACQUELINE T. HLADUN,  
MARILYN J. CRAIG, JEFFERY P.  
CLEVINGER, and TIMOTHY C.  
KAUFMANN, individually and on behalf of  
those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a  
Minnesota corporation,

Defendant.

) Case No. CIV 01-0244-S-BLW

) **AFFIDAVIT OF JAY CHURCH**

STATE OF IDAHO )

) ss.

County of Canyon )

I, Jay Church, being first duly sworn, state that the following facts are true and correct and based upon my personal knowledge. If called to testify regarding these facts, I am competent to do so and would testify as follows:

**AFFIDAVIT OF JAY CHURCH - 1**

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1. I was employed by Micron Electronics, Inc. ("Micron Electronics") from February of 1995 to May of 2001. From February of 1995 to January of 1996, I worked for Micron Electronics as a Direct Response Group inside sales representative in Consumer sales. From approximately February of 1996 to August of 1997, I worked for Micron Electronics as a Direct Response Group supervisor in Consumer sales.

2. From approximately September of 1997 to October of 1999, I worked for Micron Electronics and MicronPC, Inc. ("MPC") as a supervisor in Notebook sales. From approximately November of 1999 to April of 2000, I worked for MPC as a supervisor in Consumer sales. From approximately May of 2000 to May of 2001, I worked for Micron Commercial Computer Systems, Inc. ("MCCS") as a supervisor in Commercial sales.

3. I no longer work for any company owned or operated by Micron Electronics.

4. As a supervisor, one of my responsibilities was to make sure timekeeping and overtime policies were observed by inside sales representatives. When I was an inside sales representative, I was subject to the same timekeeping and overtime policies. I have read and reviewed the overtime policy in the Team Member Handbook and the overtime and timekeeping policies in the Employment Policy Manual, and the policies are consistent with the practices I employed as a supervisor and adhered to as an inside sales representative.

5. When my employment with Micron Electronics commenced, I signed an acknowledgment which stated that I would comply with and meet my obligations under the policies in the Team Member Handbook, and later as revised by the Employment Policy Manual. I understood that it was my responsibility to know the policies and to abide by them.

6. As a supervisor in Consumer sales, I was aware that MPC was a separate subsidiary with its own compensation plan, commissions, incentives, business hours and

customers. We serviced customers who had less than less than approximately 500 employees. I supervised between approximately ten and thirty inside sales representatives at a time.

7. As a supervisor in Commercial sales, I understood that MCCS was a separate subsidiary with its own compensation plan, commissions, incentives, business hours and customers. My group serviced customers who had approximately 500 or more employees.

8. It was my practice as a supervisor to approve all overtime that was submitted by inside sales representatives under my supervision.

9. I reviewed inside sales representative's timesheets very carefully when I was a supervisor. It was an inside sales representative's responsibility to accurately record his or her time and I believed inside sales representatives were truthfully submitting the numbers of hours they worked.

10. When I was a supervisor, I never altered an inside sales representative's timesheet for the purpose of reducing overtime hours. The only situation that would have prompted me to alter an inside sales representative's timesheet would have been if an inside sales representative was ill or on vacation and had forgotten to submit their timesheet.

11. I never told inside sales representatives under my supervision to work off the clock. I believed the inside sales representatives under my supervision were complying with company policy and recording all of the time they worked. None of the inside sales representatives under my supervision ever told me they were working off the clock or not recording all of their time.

12. I supervised several inside sales representatives who I understand are involved in this lawsuit against Micron Electronics. Inside sales representatives I supervised included Laura

Anderson, Michael Angus, Kip DeRouen, Alan Garcia, Michael Larscheid, Deborah Monahan, Cheryl Stumph, Kurt Swanson and Christopher Wing.

13. I never told these individuals, or any other inside sales representative I supervised, they were not allowed to record more than forty hours per week. I never reprimanded these individuals, or any other inside sales representative I supervised, for working more than forty hours in a week. My recollection is that Ms. Anderson recorded her time accurately and didn't work a lot of overtime. Ms. Monahan recorded a lot of overtime and therefore I had no reason to believe she was working "off-the-clock."

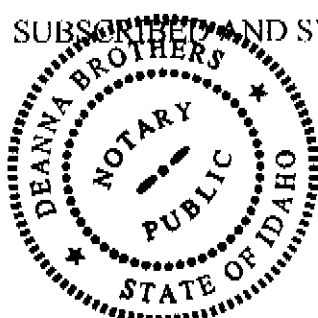
14. I was Kip DeRouen's supervisor when he was terminated for inappropriate behavior. I was Michael Larscheid's supervisor when he was terminated for not meeting performance expectations. I was involved in the termination process for both Mr. DeRouen and Mr. Larscheid. If either of these individuals were not accurately recording all the time they worked when they were under my supervision, I was unaware of it.

15. When I was an inside sales representative I never worked off the clock, nor was I ever told or pressured to work off the clock.

DATED this 20th day of August, 2002.

Jay Church  
Jay Church

SUBSCRIBED AND SWORN to before me this 20th day of August, 2002.



Deanna Brothers  
Notary Public for Idaho  
Residing in: Bose, Id  
My Commission Expires: 08/19/06

CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> day of August, 2002, a true and correct copy of the foregoing **AFFIDAVIT OF JAY CHURCH** was served on the following individuals by the manner indicated:

William H. Thomas  
Daniel E. Williams  
HUNTLEY, PARK, THOMAS,  
BURKETT, OLSEN & WILLIAMS  
250 S. Fifth Street, Suite 660  
Boise, Idaho 83701-2188

☒ By Hand Delivery  
☐ By Facsimile  
☐ By U.S. Mail  
☐ By Overnight Delivery

  
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Kim J Dockstader